

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 3:10-cv-00861
)	
GREGG APPLIANCES, INC.)	Judge Sharp
)	Magistrate Judge Griffin
)	
Defendant,)	<u>JURY DEMAND</u>

PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S UNOPPOSED
MOTION FOR LEAVE TO FILE MOTION FOR PARTIAL SUMMARY JUDGMENT

Equal Employment Opportunity Commission (the Commission) moves pursuant to the Case Management Order (Doc. 20) for leave to file a motion for partial summary judgment. As grounds, the Commission respectfully submits that it would be for summary judgment on some of Defendant's affirmative defenses as asserted in its Answer (Doc. 12) as follows:

1. Failure to exhaust administrative remedies
2. Statute of limitations
6. Punitive damages are unconstitutional
7. Claimant was at-will employee

The Commission is not aware of any evidence in support of certain affirmative defenses, while it believes the last defense to be irrelevant. Thus, the Commission believes that these affirmative defenses can be resolved quickly, thereby simplifying matters for trial. The Commission has consulted Defendant and Defendant does not oppose leave to file a motion for partial summary

judgment, reserving objections to the motion itself. Accordingly, the Commission respectfully requests that the Court grant its motion for leave pursuant to the Case Management Order (Doc. 20) and allow it to file a motion for partial summary judgment as to some of Defendant's affirmative defenses in its Answer (Doc. 12).

Respectfully submitted,

P. DAVID LOPEZ
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

FAYE A. WILLIAMS
Regional Attorney
TN Bar No. 011730

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1407 Union Avenue, Suite 901
Memphis, TN 38104
(901) 544-0122

/s/Mark Chen _____
MARK CHEN
Senior Trial Attorney
TN Bar No. 014268

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
220 Athens Way, Suite 350
Nashville, TN 37228-1327
(615)736-5784

CERTIFICATE OF SERVICE

I certify that on November 21, 2011, a copy of the foregoing Plaintiff Equal Employment Opportunity Commission's Motion for Leave to File Motion for Partial Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Edward E. Hollis, Esq.
Baker & Daniels, LLP
300 North Meridian Street, Suite 2700
Indianapolis, IN 46204-1782

Amanda L. Asbury, Esq.
Baker & Daniels, LLP
300 North Meridian Street, Suite 2700
Indianapolis, IN 46204-1782

November 21, 2011
Date

/s/Mark Chen
Mark Chen, Senior Trial Attorney